



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

May 8, 2009

Harry Kaiser
PO Box 1373
Hanalei, HI 96714

**Re: Large Capacity Cesspool for Hanalei Inn, 5-5468 Kuhio Hwy, Hanalei (Hawaii),
TMK 4-5-5-004-036**

Dear Mr. Kaiser:

The United States Environmental Protection Agency (EPA) has received information that indicates you may be the owner and/or operator of a large capacity cesspool at the above referenced property.

In 1999, EPA promulgated regulations under the Safe Drinking Water Act's Underground Injection Control (UIC) Program, which prohibited the construction of new large capacity cesspools as of April 2000 and required the closure of all existing large capacity cesspools by April 5, 2005 (see 40 C.F.R. § 144.88). **Operation of a large capacity cesspool after this date is out of compliance with federal regulations and subject to enforcement and fines.**

Cesspools allow raw sewage to be discharged into the ground and are a public health and environmental concern. Under federal regulations, a large capacity cesspool (LCC) is a cesspool which serves multiple dwellings, or for non-residential facilities has the capacity to serve 20 or more persons per day. The following information includes criteria that EPA considers when determining if a residential property is a dwelling or a multiple dwelling. A dwelling consists of a room or group of rooms with facilities for living, sleeping, food preparation and eating. A food preparation area contains a sink, stove (or equivalent heating appliance) and refrigerator. Additional information on the regulations and how they impact owners and/or operators in Hawaii can be found at EPA's website:

<http://www.epa.gov/region09/hicesspools>

Federal regulations require all LCCs to be closed and, where needed, replaced by an alternative type of treatment system. The regulations also require owners of LCCs to notify EPA of their existence, even if the LCCs are not currently being used (see 40 C.F.R. § 144.83). **Thus please complete the enclosed inventory form and submit it to EPA. Additionally, EPA requests that you provide a plan and a schedule for closure.** Your closure schedule should include the dates you will complete the following steps:

- hire a contractor/engineer to design an alternative wastewater system, if needed;
- submit plans to Hawaii Department of Health (DOH) for approval;
- begin construction on wastewater system upgrade;
- complete construction and submit construction inspection report to DOH;
- receive final approval from DOH to operate wastewater system;

- close or convert the LCC(s);
- provide EPA with a copy of DOH correspondence indicating approval for use and a copy of the Backfill Closure Report, if applicable.

Please send the inventory form and closure schedule to EPA at the following address by **June 8, 2009**.

LCC Program Coordinator
US EPA, Ground Water Office (WTR-9)
75 Hawthorne Street
San Francisco, CA 94105

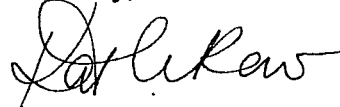
Your compliance with these requests, and the effort that you make to properly close the LCC(s), may be taken into consideration when EPA makes enforcement decisions.

If you choose to replace the LCC(s) with an alternative wastewater treatment system, the alternative treatment system must meet the DOH rules and requirements. Closure of the LCC(s) must be performed in compliance with federal and state requirements. Plans for all new or replacement wastewater systems must be submitted to the DOH Wastewater Branch for review and approval prior to construction. For information, contact the Wastewater Branch at (808) 586-4294.

If there are no large capacity cesspools on this property, please provide a description of the wastewater system(s) serving this property, including a sketch showing all wastewater plumbing and the location of the treatment system(s). This information is requested by **June 8, 2009**.

If you have any questions about this notice or need assistance in completing the inventory form, please contact me at (415) 972-3533 or via email at r9_lcc_coordinator@epa.gov.

Sincerely,



Katherine Rao
LCC Program Coordinator

Enclosure (EPA 7520-16)

cc: Tomas See, DOH
Chauncey Hew, DOH

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